

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS



2018 State Legislative Program
Pre-Session

INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS



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GUIDING PRINCIPLES

The ability to maintain home rule and avoid unfunded mandates are central to Indian River County's state legislative priorities and concerns. Indian River County works with the Florida Association of Counties (FAC) and other local governments across the State of Florida to advocate for these ideals. In general, Indian River County Board of County Commissioners (BCC) supports FAC's legislative policy statements.

- Indian River County BCC **SUPPORTS** maintaining the integrity of county home rule power, both administrative and fiscal, which allows counties to develop and implement community-based solutions to local problems.
- Indian River County BCC **OPPOSES** any unfunded mandate legislation which would compel local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source.

LEGISLATIVE PRIORITIES AND THE COUNTY'S POSITION

1. INDIAN RIVER LAGOON

Background: The health of the Indian River Lagoon (“Lagoon”) is of great concern to Indian River County. The Lagoon provides an economic benefit by promoting tourism and creating recreational opportunities for residents. The Lagoon is also an important element in the protection of our environment including endangered and protected plant and animal populations.

This year, Indian River County is promoting a number of projects to protect the Lagoon, including, but not limited to, projects that would properly abandon aging septic tanks and provide County-operated sewer and create a new water treatment facility to remove nitrogen and phosphates from canal water within the Indian River Farms Water Control District prior to being released into the Lagoon.

Position: Indian River County BCC **SUPPORTS** legislation that will enhance the economic wellbeing of Indian River County by treating and monitoring the health of the Lagoon.

2. SALE OF THE CITY OF VERO BEACH ELECTRIC UTILITY TO FLORIDA POWER AND LIGHT

Background: The City of Vero Beach is a member of the Florida Municipal Power Agency (“FMPA”). The City of Vero Beach is working closely with the FMPA to complete the full sale of the City’s electric utility to Florida Power and Light. Indian River County supports any legislation that assists in the full sale.

Position If the FMPA is unable to assist in the full sale of the City of Vero Beach Electric Utility to Florida Power and Light, Indian River County BCC **SUPPORTS** legislation to require greater oversight, transparency, and accountability by the Florida Municipal Power Agency (FMPA) to its member municipalities and ratepayers; **SUPPORTS** legislation to require the FMPA annually determine the market value of each generation asset; and **SUPPORTS** legislation to require FMPA to determine the value of the generation asset for each of the FMPA member municipalities.

3. HIGH-SPEED PASSENGER RAIL

Background: For at least a decade, high-speed passenger rail has been discussed and proposed within the State of Florida. While All Aboard Florida is the most recent passenger rail service being proposed, it is not the first and it certainly will not be the last. It is imperative that the State of Florida implement the statutory structure to hold railroads operating passenger rail service accountable for the highest degree of safety improvements along its chosen railroad corridor. It is also important to protect the public coffers from being exploited by private passenger rail entities that seek to piggyback off of pre-existing contracts with established railroad carriers.

Position: Indian River County BCC **OPPOSES** any state, federal or local funding for private passenger rail projects proposing to traverse through its jurisdiction including, but not limited to, All Aboard Florida (aka Brightline); **SUPPORTS** legislative and executive branch advocacy efforts relating to a high-speed rail's impacts on the health, safety, and welfare of citizens; **SUPPORTS** legislation that regulates passenger rail to protect the State of Florida's citizens, local governments, wildlife, waterways, and natural environment; and **OPPOSES** any effort to shift the cost burden of operating and maintaining passenger rail onto local governments or the State of Florida.

4. CANAVERAL PORT AUTHORITY FOREIGN TRADE ZONE

Background: The Canaveral Port District Charter currently limits Canaveral Port Authority's Foreign Trade Zone (FTZ) #136 to be operated within Brevard County. For a number of years Indian River County has worked closely with the Port District in an effort to modify its Charter to remove the referenced limitation so that a portion of Indian River County could be included within Foreign Trade Zone #136. The benefits include (a) a reduction of duties for manufacturers if they use foreign components in their finished products, (b) a duty exemption on imported goods that are later re-exported, (c) a delayed payment of duties for goods until they enter the U.S. Market, (d) an elimination of duties on waste, scrap and rejected or defective parts, and (e) a possible reduction in merchandise processing fees (U.S. Customs Processing fees).

Position: Indian River County BCC **SUPPORTS** an amendment to the Canaveral Port District Charter to remove the current language which limits the foreign trade zone boundary to Brevard County.

5. BEACH RESTORATION AND NOURISHMENT

Background: The Florida Department of Environmental Protection has a Beach Management Funding Assistance Program to protect and restore the state's beaches. Erosion leaves miles of beaches, public infrastructure and upland development vulnerable to the next storm event as well as impacting tourism. Currently, beach renourishment is funded via dock stamps along with countless other programs. This leaves beach renourishment projects fighting every year for a very small piece of a large pie.

Additionally, Indian River County, like its sister counties to the north and to the south on Florida's east coast, has a natural nearshore hardbottom resource. This resource is classified as an essential fish habitat and is a species of critical concern. It provides foraging and breeding grounds for sea turtles and juvenile fish. Indian River County's beach management plan is specifically customized to maximize the fill while minimizing the impact to the nearshore hardbottom resource. Last year, HB 877 (Albritton) and SB 1566 (Hutson) proposed to place additional considerations for determining and assigning annual funding priorities for beach management and erosion control projects. One of the proposed additional considerations would have likely caused a negative impact on Indian River County. The consideration would have required the Department of Environmental Protection to analyze the cost per volume per mile of the beach renourishment project and recognize those projects with design components to extend the nourishment interval. While Indian River County understands the State of Florida's interest in receiving the most "bang for its buck", Indian River County makes a conscious effort to only use the necessary amount of fill to renourish its beaches so it can minimize any negative impacts to the nearshore hardbottom resource.

Position: Indian River County BCC **SUPPORTS** the creation of a newly dedicated and reoccurring statutory funding source for beach restoration and nourishment projects; and **OPPOSES** legislation that would change or modify the criteria used by the Department of Environmental Protection to rank eligible beach renourishment projects that would negatively impact communities interested in protecting nearshore hardbottom resources.

LEGISLATIVE CONCERNS AND THE COUNTY'S POSITION

1. COUNTY FUNDING OF COURT RELATED FUNCTIONS

- Indian River County BCC **SUPPORTS** legislation to remove the automatic 1.5% increase in funding for Court related functions; and **SUPPORTS** legislation to increase the service fee charged for recording documents and instruments pursuant to s. 28.24(12)(e), F.S., from \$4.00 to \$8.00, so that \$6.00 of the fee distributed to boards of county commissioners to help fund court-related technology and technology needs as

2. COUNTY SHARE OF COST FOR MEDICAID SERVICES

- Indian River County BCC **SUPPORTS** legislation to establish a 3% cap on growth in the individual county Medicaid costs under s. 409.915, F.S., and **OPPOSES** efforts to further shift state Medicaid costs to counties.

3. WASTE MANAGEMENT

- Indian River County BCC **OPPOSES** any legislation which would inhibit a local government's ability to meet the statutory requirement under Section 403.7032, Florida Statutes, to recycle 75% of its solid waste by the year 2020.

4. MEDICAL EXAMINERS

- Indian River County BCC **OPPOSES** legislation that prohibits medical examiners from charging a fee for examination and autopsy services that a medical examiner is required to perform by law for cremation services.

5. MILLAGE RATES

- Indian River County BCC **OPPOSES** legislation that negatively changes the formula for calculating a local government's maximum millage rate; and **OPPOSES** legislation that prohibits local governments from redeeming earned rolled back credits.

6. COMMUNICATION SERVICE TAX

- Indian River County BCC **SUPPORTS** legislation that protects general revenues collected from the communications services tax.

7. STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM (SHIP)

- Indian River County BCC **SUPPORTS** the legislature appropriating the full SHIP funding for local governments.

8. LOCAL GOVERNMENT TAX REFERENDA

- Indian River County BCC **OPPOSES** legislation that requires a 60% threshold for passage of a local tax referenda during a general election.

9. CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY (COPCN)FOR LIFE SUPPORT OR AIR AMBULANCE SERVICE

- Indian River County BCC **OPPOSES** legislation relating to COPCNs which would negatively impact the County's fire rescue district's ability to provide services.

10. FIREFIGHTERS

- Indian River County BCC **OPPOSES any legislation that does not use** competent evidence when determining whether a disability or death was caused by a firefighter's employment.

11. TOURIST DEVELOPMENT TAX

- Indian River County BCC **OPPOSES** legislation that mandates tourist development funds be diverted away from local communities.

12. DERELICT VESSELS

- Indian River County BCC **SUPPORTS** legislation that would stream line the process to remove derelict vessels from the waterways of the State of Florida; and **SUPPORTS** revised statutory authority and continued state funding for the enforcement and removal of derelict vessels, with emphasis on chronic offenders.

13. FRACKING

- Indian River County BCC **OPPOSES** state preemption of fracking activities; **OPPOSES** any legislation which would create a public records exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection ("FDEP") through FDEP's online chemical disclosure registry; and **SUPPORTS** a moratorium on all new well stimulation activities, including hydraulic fracturing and acidization, until an independent and comprehensive Florida-specific study has been completed and peer-reviewed.

14. SEPTIC TO SEWER

- Indian River County BCC **SUPPORTS** the expansion of Governor Scott's proposed Indian River Lagoon and Caloosahatchee River 50/50 grant matching program in support of septic to sewer conversions to include all of the communities along the Indian River Lagoon.

15. ZIKA

- Indian River County BCC **SUPPORTS** legislative policy that entitles each county, irrespective of population, to a pro rata share of waste tire grants from the fee imposed on motor vehicle tires for use in mosquito control programs.

16. VACATION RENTALS

- Indian River County BCC **OPPOSES** legislation that would preempt a local government's ability to have local ordinances related to vacation rentals within its jurisdiction.

17. RECYCLING

- Indian River County BCC **SUPPORTS** legislation that provides appropriate resources and incentives to local governments to achieve statewide recycling goals, with credit afforded for all recycled materials including municipal biomass and other waste-to-energy processes.

18. ASSISTANCE FOR FIRST RESPONDERS

- Indian River County BCC **SUPPORTS** the use of Critical Incident Stress Management Plans to assist first responders with psychological traumas including post-traumatic stress syndrome.

19. LOCAL GOVERNMENT FISCAL RESPONSIBILITY

- Indian River County BCC **OPPOSES** legislation that would negatively impact the collection of ad valorem taxes and other revenue sources.

20. LOCAL PREEMPTION ON BUSINESS REGULATIONS AND TAXES

- Indian River County BCC **OPPOSES** legislation that would remove the authority for counties and municipalities to increase business tax rates or to impose additional business taxes in the future.